



ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704
WWW.ROPESGRAY.COM

RECEIVED
CENTRAL FAX CENTER
AUG 26 2008

FAX TRANSMITTAL LETTER

IMPORTANT: PLEASE DELIVER THIS DOCUMENT IMMEDIATELY!

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL: 212-596-9000

TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL LETTER: 3

<u>Name</u>	<u>Firm/Company</u>	<u>Fax Number</u>	<u>Phone Number</u>
To: Justin E. Shepard	United States Patent & Trademark Office	(571) 273-8300	

From: Baaba Andam

Comments: Application No. 09/821,005
Our Docket: UV/189

PLEASE COMPLETE WHEN SUBMITTING TO FAX DEPARTMENT

Date: August 26, 2008

Time: 9:05 AM

File Symbol: 003597/0189

Personal ID Number:

Submitted By: Baaba Andam

Phone: 212-596-9466

THIS FAX MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. IT IS INTENDED FOR USE ONLY BY THOSE TO WHOM IT IS ADDRESSED. IF THIS FAX IS NOT ADDRESSED TO YOU, OR IF YOU RECEIVED IT IN ERROR, YOU MAY NOT DISCLOSE, DISTRIBUTE, COPY OR USE THIS FAX OR ANY INFORMATION IN IT. INSTEAD, PLEASE CALL US COLLECT AT 212-596-9000 TO ARRANGE FOR ITS DESTRUCTION OR RETURN.

**FOR DISCUSSION PURPOSES ONLY
NOT FOR ENTRY INTO APPLICATION**

U.S. Patent Application No.: 09/821,005
Filed: March 29, 2001
Our Docket: UV/189

**RECEIVED
CENTRAL FAX CENTER**

AUG 26 2008

Parties:

USPTO:	Justin E. Shepard Chris Kelley
Ropes & Gray:	Gall C. Gotfried (Reg. No. 58,333) Baaba Andam (Ltd Recognition No. L0455)

PROPOSED TOPICS FOR DISCUSSION BY TELEPHONE

Independent claims 1 and 29 require predicting by the user equipment a time change associated with a program selected by a user to be recorded, wherein the predicted time change is based on time changes for previous programs related to the program.

The Examiner contends that Agnihotri discloses predicting by the user equipment a time change associated with a program (Office Action, page 2).

Applicants respectfully disagree.

Applicants respectfully submit that Agnihotri does not show or suggest predicting a time change associated with a program as defined by applicants' claims 1 and 29. On the contrary, Agnihotri discusses generating one or more signatures to determine a start time and an end time of the program. Because the signatures provide an accurate determination of the actual start and end times of a program, Agnihotri does not show or suggest using the signatures to predict time changes. In particular, whereas predictions may be inaccurate, the signatures in Agnihotri provided accurate determinations of the start and end times.

The Examiner also argues that Inoue discloses predicted time change that is based on time changes for previous programs related to a program (Office Action, page 3). Applicants respectfully disagree.

Applicants respectfully submit that Inoue does not show predicted time change is based on time changes for previous programs related to the program as defined by applicants' claims 1 and 29. Rather, Inoue discusses a system that detects and resolves recording conflicts based on additional information of scheduled programs. Detecting and resolving conflicts is not the same as predicting a time change of a

**FOR DISCUSSION PURPOSES ONLY
NOT FOR ENTRY INTO APPLICATION**

program. In particular, the programs in Inoue are broadcast at the scheduled time with no time change but are in conflict with each other. Moreover, Inoue resolves conflicts for any programs that have overlapping broadcast times and does not predict time changes based on related programs.

Thus, contrary to the examiner's contention, the combination of Agnihotri and Inoue does not show or suggest all the features of applicants' claims 1 and 29. Accordingly, claims 1 and 29 and their respective dependent claims are allowable.